†Sri M. C. NARASIMHAN (K.G.F.).—Sir, I have some observations to make in respect of the time allotted to some of the Bills. The time allotted for the Mysore High Court Bill is inadequate, as some time back we l ad occasion to contend that some of the provisions are not constitutional in character and they may be beyond the purview of the powers of this House. Also, in respect of the prohibition Bill, I do not know if there is an intention to refer it to the Select Committee. Only three and half hours have been allotted for this Bill and in the absence of any indication. I take it that the Bill is not referred to the Select Committee. This Bill is very important and the changes that are sought to be introduced on the existing legislation are of far reaching character. I am afraid that time allotted would be inadequate. I suggest certain revision be agreed in respect of the time allotted to these two particular Bills.

Mr. SPEAKER.—Whenever an extension in time was felt necessary, the House agreed to it in the past. If we feel more time should be given, the matter would be placed before the House.

The question is :

"That the Nineteenth Report of the Business Advisory Committee be agreed to."

The motion was adopted

THE MYSORE HABITUAL OFFENDERS BILL (AS PASSED BY LEGISLATIVE COUNCIL)

Motion to consider—Debate (*contd.*)

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ (ಗುಬ್ಬಿ).—ಸ್ವಾಮಿ, ನಿನ್ನೆಯ ದಿವಸ ನಾನು ಮಾತನಾಡುತ್ತಾ habitual offenders ಅಂದರೆ ಯಾರು ಎಂಬುದನ್ನು ಹೇಳುತ್ತಿದ್ದೆನು. ಒಂದಕ್ಕಿಂತ ಜಾಸ್ತಿ ಸಲ ಜೈಲಿಗೆ ಹೋದಂಥ ಅಪರಾಧಿಗೆ ಪಂಚರಂಗೀ ಎಂದು ಕರೆಯುತ್ತಾರೆ.

ಈ ಅಂಶವನ್ನು ಎಲ್ಲಾ ಪಕ್ಷದವರು ಧೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕೆಂದು ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ. ದೇಶದಲ್ಲಿ ದುಷ್ಟ ಶಕ್ತಿ ಬೆಳೆದು ಹಿಂಸೆಯಾಗುತ್ತದೆ ಎಂಬುದನ್ನು ಅರ್ಥ ಮಾಡಿಕೊಳ್ಳಬೇಕು. ಕಳೆದ ಮೂರು ವರ್ಷಗಳಲ್ಲಿ ಈ ಸಭೆಯಲ್ಲಿ ಮಂತ್ರಿಗಳು ಅನೇಕ ಆಶ್ವಾಸನೆ ಕೊಟ್ಟಿದ್ದಾರೆ. ಆದರೆ ಅವುಗಳನ್ನು ಕಾರ್ಯಗತ ಮಾತ್ರ ಮಾಡಿಲ್ಲ. ಇಂಥ ಮಸೂದೆಯನ್ನು ಸಭೆಯ ಮುಂದೆ ತಂದು ನಮಗೆ ಆಶ್ವಾಸನೆ ಕೊಟ್ಟು ನಮ್ಮ ಕಡೆಯಿಂದ ಮಸೂದೆಗೆ ಅನುಮತಿ ಪಡೆಯುತ್ತಾರೆ. ಆದರೆ ಅಂಥ ಆಶ್ವಾಸನೆಗಳು ಕಾರ್ಯಗತವಾಗುವುದಿಲ್ಲ. ಶ್ರೀಮಾನ್ ರಾಜಯ್ಯನವರು ಒಂದು ಮಾತನ್ನು ಜ್ಞಾಪಕದಲ್ಲಿಟ್ಟು ಕೊಳ್ಳಬೇಕು. ಈ ಮಸೂದೆಯನ್ನು ನಾನೇ ಸಭೆಯ ಮುಂದೆ ಮಂಡಿಸಿದ್ದೇನೆ. ನಾನೇ ಕಾರ್ಯಗತ ಮಾಡಿ ಜಾರಿಗೆ ತರುತ್ತೇನೆ. ಈ ಕಾನೂನನ್ನು ಚಲಾಯಿಸುವುದಕ್ಕೆ ನಾನು ಆಡಂದ್ರಾರ್ಕವಾಗಿ ಸೂರ್ಯ ಚಂದ್ರ ಇರುವವರೆಗೆ ಚಿರಂಜೀವಿಯಾಗಿ ಮಂತ್ರಿಯಾಗಿ ಇರುತ್ತೇನೆಂದು ಅವರು ಮನಸ್ಸಿನಲ್ಲಿ ತಿಳಿದು ಕೊಂಡಿದ್ದಾರೆ. ಇದು ಅವರ ಮಾತುಗಳಿಂದ ಗೊತ್ತಾಗುತ್ತದೆ. ಆದರೆ ಅವರು

ಈಗ ತಂದಿರುವ ಕಾನೂನಿನ ದುಷ್ಪರಿಣಾಮವನ್ನು ಮುಂದಿನ ಪೀಳಿಗೆಯವರು ಚೆನ್ನಾಗಿ ಅರ್ಥ ಮಾಡಿಕೊಳ್ಳುತ್ತಾರೆ. ಇಂಥ ಕಾನೂನು ಪ್ರಯೋಜನಕಾರಿಯಾಗುವುದಿಲ್ಲ ಎಂಬುದನ್ನು ಅವರು ಅರ್ಥಮಾಡಿಕೊಳ್ಳಬೇಕು. ನಿಜವಾಗಿಯೂ ಇಂಥ ಕಾನೂನು ಬಗ್ಗೆ ವಾಸ್ತವಿಕ ದೃಷ್ಟಿಯಿಂದ ಪರಿಶೀಲನೆ ಮಾಡಬೇಕಾದುದು ಅಗತ್ಯ. ಮನುಷ್ಯನಿಗೆ ಇರತಕ್ಕ ಮೂಲಭೂತ ಹಕ್ಕನ್ನು ಪೊಟಕು ಮಾಡುವುದು ಜನಗಳಿಗೆ ತೊಂದರೆ ಉಂಟುಮಾಡುವುದು ಸರಿಯಲ್ಲ. ದೇಶದಲ್ಲಿ ಕಳ್ಳತನ ಮೋಸ ಮತ್ತೊಂದು ಮಗದೊಂದು ಅಪರಾಧ ಏಕೆ ನಡೆಯುತ್ತದೆ ಎಂಬುದನ್ನು ಮೊದಲು ದೀರ್ಘವಾಗಿ ಯೋಚನೆ ಮಾಡಬೇಕು. ಶ್ರೀಮತಿ ಲೀಲಾವತಿ ಮಾಗಡಿಯವರು ಒಂದು ಆರ್ಟಿಕಲ್ ಬರೆದಿದ್ದಾರೆ. ಈಗಿನ ನಮ್ಮ ಮುಖ್ಯ ಮಂತ್ರಿಗಳು ಆಗ್ಗೆ ಬೊಂಬಾಯಿ ಸರಕಾರದಲ್ಲಿ ಡೆಪ್ಯೂಟಿ ಮಿನಿಸ್ಟರ್ ಆಗಿದ್ದರು. ಬೊಂಬಾಯಿ ಸಿಟಿಯಲ್ಲಿ ಸೂಳೆಗಾರಿಕೆ ಏಕೆ ನಡೆಯುತ್ತದೆ ಎಂಬ ವಿಷಯದ ಬಗ್ಗೆ ಬರೆದಿದ್ದಾರೆ. ಹೊಟ್ಟೆಗೆ ಇಲ್ಲದೆ ಜೀವನ ನಡೆಸುವುದಕ್ಕೆ ಮಾರ್ಗವಿಲ್ಲದೆ ಕಳ್ಳತನ ಇಂಥ ಅಪರಾಧಗಳನ್ನು ಜನರು ಮಾಡುತ್ತಾರೆ. ಜನತೆಗೆ ಸರಿಯಾದ ಕೆಲಸ ಒದಗಿಸಿ ಕೊಟ್ಟರೆ ಸುಖವಾಗಿ ಜೀವನಸಾಗಿಸುತ್ತಾರೆ. ಜೀವನ ನಡೆಸುವುದು ಕಷ್ಟವಾಗಿರುವದರಿಂದ ಸೂಳೆಗಾರಿಕೆಯಂಥ ಅನೀತಿ ಮಾರ್ಗ ಹಿಡಿಯುತ್ತಾರೆ. ಇಂಥ ಅನೀತಿ ಮಾರ್ಗ ತಪ್ಪಿಸಬೇಕು.

Sri B. BASAVALINGAPPA.—On a point of information. I would be happy if my friend look into section 4 of this Act and not other sections of the Act. Only trading on innocent persons is punishable, not other offences.

Sri C. J. MUCKANNAPPA.—Why should they resort to such a thing.? What is the social reform the country is going to do?

ಸ್ವಾಮಿ ನಾನು ಒಂದು ಮಾತನ್ನು ಹೇಳುತ್ತೇನೆ. ಶ್ರೀಮಾನ್ ಶ್ರೀನಿವಾಸಶೆಟ್ಟರು ಬಹಳ ಪುಸ್ತಕ ಓದುತ್ತಾರೆ. ಅಮೇರಿಕಾದೇಶದಲ್ಲಿ ಪರಿಸ್ಥಿತಿ ಹೇಗಿದೆ ಎಂಬುದನ್ನು ಅವರು ತಿಳಿದುಕೊಂಡು ಹೇಳಿದ್ದಾರೆ. ನಾನು ಅಷ್ಟು ಪುಸ್ತಕ ಓದುವದಿಲ್ಲ.. ಆದರೆ ನಮ್ಮ ಮೈಸೂರು ರಾಜ್ಯದಲ್ಲಿ ನಮ್ಮ ಭಾರತ ದೇಶದಲ್ಲಿ ಪರಿಸ್ಥಿತಿ ಏನಿದೆ ಎಂಬುದನು ಅಷ್ಟು ನಾನು ತಿಳಿದುಕೊಂಡಿದ್ದೇನೆ. ಕೆಟ್ಟಅಪರಾಧ ಮಾಡುವುದಕ್ಕೆ ದುಷ್ಟಶಕ್ತಿ ಹೇಗೆ ಬೆಳೆಯುತ್ತಿದೆ ಅಂತ ಮನುಷ್ಯನಿಗೆ ಅತ್ಯವಶ್ಯವಾಗಿ ಬೇಕಾದ ಹೊಟ್ಟೆಗೆ ಅನ್ನ, ಹೊದಿಯಲು ಬಟ್ಟೆ ವಾಸಮಾಡಲು ಮನೆ ಇಲ್ಲದ ಕಾರಣ ಹೀಗಾಗುತ್ತಿದೆ. ಈ ಅತ್ಯವಶ್ಯಕಗಳು ದೊರೆಯುವುದಕ್ಕೆ ಈ ಜನರಿಗೆ ಒಂದು ಕೆಲಸ ಒದಗಿಕೊಟ್ಟರೆ ಅವರು ಉಪಜೀವನ ಮಾಡಿಕೊಂಡು ಇರುತ್ತಾರೆ. ಈಗ ರಾಜ್ಯದಲ್ಲಿ ದುಷ್ಟಶಕ್ತಿ ಜಾಸ್ತಿಯಾಗಿದೆ ಅಪರಾಧಗಳ ಸಂಖ್ಯೆ ಜಾಸ್ತಿಯಾಗಿದೆ. ಇದನ್ನು ತಡೆಗಟ್ಟಬೇಕು.

Sri B. BASAVALINGAPPA.—Jail population is going down.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—ದೇಶದಲ್ಲಿಯ ಜನತೆಯನ್ನು ಸತ್ಪ್ರಜೆಗಳನ್ನಾಗಿ ಮಾಡಬೇಕು. ಎಲ್ಲರೂ ಸಜ್ಜನರಾಗಬೇಕು. ಸಾಧುಸತ್ಪುರುಷರು ಹೆಚ್ಚಾಗಬೇಕು ಅದೇ ನಿಜವಾದ ಧರ್ಮ. ರಾಮಾಯಣ ಮಹಾಭಾರತದಲ್ಲಿ ಹೇಳುವುದು ಇದೇ ಧರ್ಮ. ನಾಗರೀಕರಾಗಿ ಯೋಗ್ಯರಾಗಿ ಬಾಳಬೇಕು ಎಂಬ ಸದುದ್ದೇಶವಿರಬೇಕು. ಆದುದರಿಂದ ನಮ್ಮ ದೇಶದ ನತ್ಸಂಪ್ರದಾಯ ಸಂಸ್ಕೃತಿಯನ್ನು ಸರಕಾರದವರು ಉಳಿಸಿಕೊಂಡುಬರುವ ಕಾರ್ಯ ಮಾಡಬೇಕು ಎಂದು ಅತಿ ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡುತ್ತೇನೆ. ಏಕೆಂದರೆ ಜನತೆಯ ಮೇರೆ ದುಷ್ಪರಿಣಾಮವಾಗಬಾರದು. ಮೂರುಸಾರಿ ಜೈಲಿಗೆ ಹೋಗಿ ಬಂದರೆ ಅಂಥ ಅಪರಾಧಿಯು Habitual Offender ಆಗುತ್ತಾನೆ. ನಿಮ್ಮ ಕೈಯಲ್ಲಿ ಅಧಿಕಾರವಿರುವಾಗ್ಗೆ ಅದನ್ನು ದುರುಪಯೋಗ ಮಾಡಿಕೊಂಡು ಯಾರನ್ನಾದರು ಇಂಥ ಅಪರಾಧಕ್ಕೆ ಗುರಿಮಾಡಬಹುದು.

(ಶ್ರೀ ಸಿ. ಜೆ. ಮುನಿಕೃಷ್ಣಪ್ಪ)

ಪ್ರಜಾಪ್ರಭುತ್ವದಲ್ಲಿ ಈ ರೀತಿ ಮಾಡುವುದು ಸರಿಯಲ್ಲ. ಇಂಥ ನೂರಾರು ಸಂದರ್ಭಗಳನ್ನು ನಾನು ತೋರಿಸಬಹುದು.

2-30 P. M.

ಜನತೆಯ ಮೇಲೆ ಇಂಥ ದುಷ್ಪರಿಣಾಮವುಂಟುಮಾಡತಕ್ಕ ಈ ವಿಧೇಯಕವನ್ನು ಸಭೆಯ ಮುಂದೆ ತೆಗೆದುಕೊಂಡು ಬಂದಿದ್ದೀರಿ. ಇಂಥ ಮನೂದೆಗೆ ನಾಗರಿಕರಾದ ನಾವು ಅನಾಗರಿಕರೂ ಒಪ್ಪಿಗೆ ಕೊಡಲು ಸಾಧ್ಯವಿಲ್ಲದ ವಿಧೇಯಕಕ್ಕೆ ಒಪ್ಪಿಗೆ ಕೊಡುವುದಕ್ಕೆ ತಯಾರಿಲ್ಲವೆಂದು ಸರ್ಕಾರಕ್ಕೆ ಹೇಳುತ್ತಿದ್ದೇನೆ.

ಈ ಮೈಸೂರು ಸಂಸ್ಥಾನದಲ್ಲಿ ಹಾಗೂ ಭಾರತ ಭೂಮಿಯಲ್ಲಿ *per capita* income ಮೇಲೆ ಉದ್ದನೆ ಅಂಕಿಅಂಶಗಳನ್ನು ಇನ್ನೊಂದು ವಿಷಯಗಳ ಮೇಲೆ ಅಂಕಿಅಂಶಗಳನ್ನು ಹೇಳುತ್ತೀರಿ. ನಿಮ್ಮಲ್ಲಿರುವ ಅಂಕಿಅಂಶಗಳ ಆಧಾರದ ಮೇಲೆ ಈ ಮುಷ್ಕೃತ್ಯಗಳನ್ನು ತಡೆಯುವುದಕ್ಕೆ ಸರ್ಕಾರದವರು ಕೈಗೊಂಡಿರುವ ಕಾರ್ಯವೇನೆಂದು ಕೇಳುತ್ತೇನೆ. ತಮಗೆ ದೀಪ ಹಿಡಿದು ದಾರಿ ತೋರಿಸುವವರು ಈ ಕಡೆಯವರೇ ಹೊರತು ಆ ಕಡೆಯವರಲ್ಲ. ಉಪಗ್ರಹ ಸಚಿವರಿಂದ ತಮ್ಮಿಂದ ತಪ್ಪು ಮಾಡಿಸಿ, ಇವರು ತಪ್ಪು ಮಾಡುತ್ತಾರೆ, ಇವರನ್ನು ಪಕ್ಷದಿಂದ ತೆಗೆದುಹಾಕಬೇಕು ಎನ್ನುವವರು, ಅಧಿಕಾರದಿಂದ ಕೆಳಕ್ಕೆ ಇಳಿಸುತ್ತೇವೆ ಎನ್ನುವವರು ನಾವಲ್ಲ. ನಿಮ್ಮನ್ನು ಅಧಿಕಾರದಲ್ಲಿಟ್ಟರೆ ಯುವಕರು ಇರಬೇಕು ಎಂದು ಸಂತೋಷಪಡಿಸತಕ್ಕ ಜನ ನಾವು, ನಿಮ್ಮ ಸ್ನೇಹಿತರು ಹಿಂದಕ್ಕೆಳೆದು ತಪ್ಪುಮಾಡಿಸುತ್ತಾರೆ. ಅಂಥ ತಪ್ಪನ್ನು ಮಾಡ ಬೇಡಿ ಎಂದು ದಾರಿ ತೋರಿಸಿ, ವಿರೋಧಪಕ್ಷದವರು ಹೇಳುವ ಮಾತನ್ನು ರಾಲಸಿ ಕಾರ್ಯಗತ ಮಾಡಬೇಕೆಂದು ಸರ್ಕಾರದಲ್ಲಿ ಬಹಳ ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡಿಕೊಳ್ಳುತ್ತೇನೆ.

ಮೈಸೂರು ರಾಜ್ಯದಲ್ಲಿ ಕಾಂಗ್ರೆಸ್ ಚಳುವಳಿ ಪ್ರಾರಂಭವಾದಾಗ ನರ್ ಮಿರ್ಜಾರವರು ಸ್ವಾತಂತ್ರ್ಯತೆಯ ಕಾನೂನನ್ನು ತಂದಾಗ ಅನೇಕ ಜನ ನಮ್ಮ ಸ್ನೇಹಿತರು ಬಹಳ ಟೀಕೆ ಮಾಡಿ ದರು. ಅದೇ ಜನ ಈಗ ಆಡಳಿತದಲ್ಲಿರುವಾಗ ಇಂಥ ಕಾನೂನನ್ನು ಮಾಡಬಾರದು ಎಂದು ಹೇಳುತ್ತೇನೆ. ಹಿಂದೆ ಆಡಳಿತ ನಡೆಸುತ್ತಿದ್ದವರನ್ನು ದುಷ್ಟ ಶಕ್ತಿಗಳು ಎಂದು ಹೇಳಿದಂಥ ಜನ ಇವತ್ತು ತಾವೇ ತಂದಿರುವ ಈ Habitual Offenders Bill, ಪಂಚರಂಗಿ ವಿಧೇಯಕ ಅದಕ್ಕಿಂತಲೂ ದುಷ್ಟ ಶಕ್ತಿಯಿಂದ ಕೂಡಿದೆ. ಮೂರುಸಾರಿ ರಿಜಿಸ್ಟರ್ ಮಾಡಿಸಿದಮೇಲೆ, ರಿಜಿಸ್ಟರ್ ಮಾಡಿಸುವವನು ಒಂದು ಸ್ಥಳದಿಂದ ಮತ್ತೊಂದು ಸ್ಥಳಕ್ಕೆ ಹೋಗಬೇಕಾದರೆ, ಆತನು ಬರೆದುಕೊಳ್ಳಬೇಕು. ಇವೊತ್ತಿನ ದಿವಸ ಯಾವ ಹಳ್ಳಿಯಲ್ಲಿ ನೋಡಿದರೂ ಪಾರ್ಟಿಗಳಿಲ್ಲದೆ ಇಲ್ಲ. ಕಾಂಗ್ರೆಸ್ ಪಕ್ಷದ ಆಡಳಿತ 13 ವರ್ಷಗಳ ಅವಧಿಯಲ್ಲಿ ಪ್ರತಿಯೊಂದು ಹಳ್ಳಿಯಲ್ಲಿಯೂ ಪಾರ್ಟಿ ಗಳನ್ನು ಹುಟ್ಟಿದ್ದೀರಿ. ನಾರಾಯಿರು ಹಳ್ಳಿಗಳಲ್ಲಿ ಯಾವುದಾದರೂ ಕಾರಣದಿಂದ ವ್ಯಾಜ್ಯವಾದರೆ, ಹೊಡೆದಾಟವಾಗಿ ಕೋರ್ಟಿಗೆ ಹೋದರೆ, ಅಂಥವರಿಗೆ ಮೂರು ಸಲ ಶಿಕ್ಷೆಯಾದರೆ, ನಾಲ್ಕು ಹಳ್ಳಿಯ ಜನರನ್ನು ಊರು ಬಿಡಿಸಿ corrective centreಗೆ ಕಳಿಸಿದರೆ ಹಳ್ಳಿಗಳಲ್ಲಿರುವ ಮಕ್ಕಳು ಮರಿ, ಆಸ್ತಿಪಾಸ್ತಿಗಳು, ಇವೆಲ್ಲ ಏನಾಗುತ್ತವೆನ್ನುವುದನ್ನು ತಾವು ಅರ್ಥಮಾಡಿಕೊಳ್ಳಬಲ್ಲರಾ ? ಇವೊತ್ತಿನ ದಿವಸ ಹೆಂಡ ಕುಡಿದವರು ಸೂಳೆಗಾರಿಕೆ ಮಾಡಿದವರು, ಯಾರೇ ಆಗಲೀ ಮೂರು ಸಲ ಶಿಕ್ಷೆಗೆ ಒಳಗಾದರೆ ರಿಜಿಸ್ಟರ್ ಮಾಡಿಸಬೇಕು ಎಂದು ಈ ವಿಧೇಯಕವನ್ನು ತಂದಿರುವುದು ಸರಿಯೇ ಎಂದು ಹೇಳುತ್ತೇನೆ.

ಮಾನ್ಯ ಉಪಮಂತ್ರಿಗಳ ಪಕ್ಕದಲ್ಲಿ ಕುಳಿತುಕೊಂಡಿರುವ ಮೈಸೂರು ಕಾಂಗ್ರೆಸ್ ಮುಖಂಡರೂ, L. S. G. ಮಂತ್ರಿಗಳೂ ಆ ಶ್ರೀವಾತ್ಸ ಸುಬ್ರಹ್ಮಣ್ಯ ಅವರು ರಾಜ್ಯದ್ರೋಹ ಆವಾದನೆಯಾಗುವಂಥ ಮಾತುಗಳನ್ನು ಬಹಿರಂಗ ಸಭೆಯಲ್ಲಿ ಹೇಳಿದರು ಎಂದು ಹಿಂದೆ ಮಿರ್ಜಾ ಸಾಹೇಬರ ಸರ್ಕಾರದಲ್ಲಿ ನ್ಯಾಯಾಂಗದ ಅಧಿಕಾರಿಗಳು ಕಾರ್ಯಾಂಗ ಹೇಳಿದಂತೆ ಕೇಳಿ

ಕೊಡಬಾರದ ಕಷ್ಟ, ಕೊಟ್ಟು, ಕೊಡಬಾರದ ಶಿಕ್ಷೆಯನ್ನು ಕೊಟ್ಟಿದ್ದಾರೆ. ಅಂದಿನಿಂದಲೂ ನ್ಯಾಯಾಂಗವು ಕಾರ್ಯಾಂಗದಿಂದ ಪ್ರತ್ಯೇಕವಾಗಬೇಕೆಂದು ಎಲ್ಲರೂ ಹೇಳಿದರು ಇವೊತ್ತಿನ ದಿವಸ, ನೀವು ಹದಿಮೂರು ವರ್ಷದಿಂದ ಏನು slogan ಹೇಳಿದ್ದಿರೋ, ಅದರಂತೆ ನಡೆಯದೆ ದಾರಿ ಬಿಟ್ಟು ನಡೆಯುವುದಕ್ಕೆ ಪ್ರಯತ್ನ ಮಾಡಿದ್ದೀರಿ. ಈ ವಿಧೇಯಕದಲ್ಲಿ ಎಲ್ಲ ಅಧಿಕಾರವೂ ಡಿಸ್ಟ್ರಿಕ್ಟ್ ಮ್ಯಾಜಿಸ್ಟ್ರೇಟರಿಗೆ ಇರಬೇಕು. ಮತ್ತು ಅಪರನ್ನು ಒಟ್ಟಮೇಲೆ ನೀವಾ ಸರ್ಕಾರಕ್ಕೆ ಬರಬೇಕು ಎಂದು ಮಾಡಿದ್ದೀರಿ. ಮಾನ್ಯ ಉಪಸಚಿವರು ತಾವು ಉಪಮಂತ್ರಿಗಳಾಗಿ home portfolio ಯಾವಾಗಲೂ ತಮ್ಮ ಹತ್ತಿರವೇ ಇರುತ್ತದೆ ಎಂದು ಹೇಳಿದ್ದರೆ ಅದು ತಪ್ಪು. ಅವರು ಆ ಸ್ಥಾನದಿಂದ ಇನ್ನೂ ಮೇಲಕ್ಕೆ ಬಂದು ಮುಖ್ಯಮಂತ್ರಿಗಳಾಗಬೇಕು. ಇಂಥ ಕಾನೂನುಗಳನ್ನು ಸ್ವಲ್ಪಕಾಲ ಹಿಡಿದಿಡಿ. ಭೂಸುಧಾರಣೆಯಿಂಥ ವಿಧೇಯಕಗಳನ್ನು ತಂದು ಜನರಿಗೆ ಜಮೀನು ಹೆಚ್ಚಿಗೆ ಸಿಕ್ಕುವಂತೆ ಮಾಡಬೇಕು. ಇದೊಂದೂ ಇಲ್ಲವೆ, ಚುನಾವಣೆಗಳು ಹತ್ತಿರ ಬರುತ್ತಿವೆ ಎಂದು ರಾಜಕೀಯ ಚಳುವಳಿಗಳನ್ನು (political organisations) ದಮನ ಮಾಡಬೇಕು, ಅವುಗಳನ್ನು ತುಳಿದುಬಿಡಬೇಕು ಎನ್ನುವ ಉದ್ದೇಶದಿಂದ ಇಂಥ ವಿಧೇಯಕಗಳನ್ನು ಈ ಸಭೆಯ ಮುಂದೆ ಮುಂದಿನುವುದು ಕಾಂಗ್ರೆಸ್ ಭಕ್ತರಾದ ಗಾಂಧಿ ಅನುಯಾಯಿಗಳಾದವರಿಗೆ ತರವಲ್ಲ, ಧರ್ಮವಲ್ಲ, ನ್ಯಾಯವಲ್ಲ. ಅದಕ್ಕೋಸ್ಕರ ಇದನ್ನು ವಾಪಸ್ಸು ತೆಗೆದುಕೊಳ್ಳಿ ಎಂದು ನಾನು ಬಹಳ ವಿನಯದಿಂದ ಪ್ರಾರ್ಥನೆ ಮಾಡುತ್ತೇನೆ. ಈಗ ಇದನ್ನು ವಾಪಸ್ಸು ತೆಗೆದು ಕೊಳ್ಳಿ, ಚುನಾವಣೆಗಳು ನಡೆಯಲಿ, ಮುಂದೆ ಬರುವವರು ಇದನ್ನು ಯೋಚನೆ ಮಾಡಲಿ. ಹಿರಿಯರು, ದೊಡ್ಡವರು, ರಾಜಕೀಯವನ್ನು ತಿಳಿದವರೂ ಇದ್ದೀರಿ. ಇದರಿಂದ ಜನಗಳಿಗೆ ಬಹಳ ಕಷ್ಟವಾಗುತ್ತದೆ, ಬಹಳ ನಷ್ಟಕ್ಕೆ ಗುರಿಯಾಗುತ್ತಾರೆ. ಜನಗಳಿಗೆ ಬಹಳ ತೊಂದರೆಪಡಿಸುತ್ತೀರಿ. ಇಷ್ಟನ್ನು ಹೇಳಿ ಸರ್ಕಾರ ಮತ್ತೊಮ್ಮೆ ಇದನ್ನು ಯೋಚನೆ ಮಾಡಬೇಕು, ಪಕ್ಷದ ಬಲವಿದೆ ಎಂದು ಪಾಸ್ ಮಾಡಿಕೊಳ್ಳಬೇಕೆನ್ನುವ ಹಟಮಾರಿತನ ಹಿಡಿದರೆ ದೇಶದಲ್ಲಿ ಜನತೆಯ ನಾಶಕ್ಕೆ ಗುರಿಯಾಗುತ್ತೀರಿ ಎಂದು ಹೇಳಿ ಶ್ರೀಮಾನ್ ಬಸವಲಿಂಗಪ್ಪನವರನ್ನು ಮತ್ತು ಸರ್ಕಾರವನ್ನೂ ಈ ಬಗ್ಗೆ ಮತ್ತೊಮ್ಮೆ ಯೋಚನೆ ಮಾಡಬೇಕೆಂದು ವಿನಯದಿಂದ ಪ್ರಾರ್ಥಿಸಿ ನನ್ನ ಮಾತನ್ನು ಮುಗಿಸುತ್ತೇನೆ.

ಅಧ್ಯಕ್ಷರು.—ಈಗ ಮಾನ್ಯ ಮಿತ್ರರಾದ ಮುಕ್ಕಣ್ಣಪ್ಪನವರು habitual ಎಂದರೆ, ಪಂಚರಂಗಿ ಎಂದು ಹೇಳಿದರು. ಆದರೆ ಡಿಕ್ಷನರಿಯನ್ನು ತರಿಸಿ ನೋಡಿದೆ. ಅದರಲ್ಲಿ habitual ಎಂದರೆ ಅಭ್ಯಾಸವ, ರೂಢಿಯ, ಪದ್ಧತಿಯ, ಸಂಪ್ರದಾಯದ, ಬಳಕೆಯ, ವಾಡಿಕೆಯ ನಿತ್ಯಗಟ್ಟಲೆಯ, ಗೊತ್ತಾದ ಚಾಳಿ ಅಥವಾ ಅಭ್ಯಾಸಕ್ಕೆಬಿದ್ದ ಹೀಗೆ ಕೊಟ್ಟಿದೆ. ಅದರಲ್ಲಿ 'ಪಂಚರಂಗಿ' ಎಂದು ಇಲ್ಲ.

ಶ್ರೀ ಸಿ. ಜೆ. ಮುಕ್ಕಣ್ಣಪ್ಪ.—Habitual ಎಂದರೆ ಪಂಚರಂಗಿ ಎಂದು ನಾನು ಹೇಳಲಿಲ್ಲ. A person who is convicted more than once is called "Pancharangi" in the central jail ಎಂದು ಹೇಳಿದೆ.

ಅಧ್ಯಕ್ಷರು.—ಅದು ಗೊತ್ತಿಲ್ಲ. ಈ ಸಭೆಯಲ್ಲಿ "habitual offender" ಎಂಬುದಕ್ಕೆ ಆ ಅರ್ಥವಾಗುವುದಿಲ್ಲ.

† Sri M. C. NARASIMHAN (Kolar Gold Fields).—Sir, I do not find any urgency for this Bill. This is not a Bill which requires urgent consideration by this House because, as pointed out by my friends, this is not an extra-ordinary situation. Even the Deputy Minister in charge of the Bill admits that the jail population has reduced.

Sri B. BASAVALINGAPPA.—On account of good Government.

Sri M. C. NARASIMHAN.—Whatever it is, if it is a case of Government that the population there has declined, what justification is there in wasting the precious time of this House by a Bill of this kind ? On the very ground this should be rejected ; there need not be another argument. Sir, there is the land reform Bill vhich, I thought, is more urgent and approriate legislation deserving immediate consideration by the House, not merely from the point of view of finance but even otherwise, it should have been given priority. The Hon'ble Minister Sri Subramanya sometime back introduced the legeslation called the beedi Industries labour Bill. There is wide prevelance of tuberculosis disease in this. Is it not urgent ? I do not know how he did not persuade the Deputy Home Minister to withdraw this Bill.

This is a State which claims that it is a welfare State.

Sri T. SUBRAMANYA.—Sir, this is not very relevant. I am not in charge of the Bill now.

Sri M. C. NARASIMHAN.—Sir, at least should he not have that much of anxiety ? Now he cannot pass on the baby to somebody else !

There is really no logic or rationale behind the types of Bills that Government are introducing. Just as the Law Department gets Bills ready.....

Sri T. SUBRAMANYA.—Here is a remark Sir, that Mr. Narasimhan was married only two days back and he is already thinking of baby !

Sri M. C. NARASIMHAN.—As already submitted by my friend, I do not wish to repeat the arguments that have already been advanced.

Looked at from any point of view, this Bill is regrograde and the powers taken under the various sections are not the minimum needed to subserve the object that this Bill seeks to promote.

Sir, let us take even a definition of the word "habitual offender". After all this is intended to be a uniform legislation and this is a clause on which much has been said and I only read the provision contained in the Hyderabad Act. It was natural for us to expect that they should have taken the best that was already available in the various laws in force or if there was anything in the latest thinking, that should have been incorporated. On that ground at least, one could understand its justification. I shall only read with your permission the clause from the Hyderabad Act of 1954, namely the Hyderabad Habitual Offenders (Restriction and Settlement) Act 1954. That is fairly the latest when compared with the other laws in our State :

> "Habitual offender" means a person who during any continuous period of five years whether before or after the commencement of this Act has been sentenced to substantive term of imprisonment such sentence not having been set aside in appeal or revision on not less thanthree occasions.....in respect of the offences committed and who as a result of such

conviction has suffered imprisonment at least for a total period of twelve months."

First and foremost thing is that the offences under the prohibition Act and offences under the Suppression of Immoral Traffic Act have not been included advisedly under the Hyderabad Legislation.

Secondly, even within the definition, itself, there are certain very important restrictions which I consider as important. The man must have been convicted for a total period of 12 months. That restriction is not here. There is some weight in not including such provision because after all the man may be convicted for small periods of one month or less.

Sri M. RAMAPPA.—It may be fine of one rupee ! It will count as conviction.

Sri M. C. NARASIMHAN.—Even if the Government had looked into the provisions that are already existing, even there was every justification for Government to look into this matter very carefully and include such a restriction. After this is a restriction on the fundamental right of a citizen as pointed out by my colleague Mr. Patil. It is a restriction of movement and restriction of the particular trade or calling which is entitled to pursue. When all these restrictions are sought to be placed on ones civil liberty, it is not incumbent on the part of the Government in these days when we are talking of expanding the liberties and when we are talking in terms of increasing the liberties of the citizen—when we are thinking in these terms, is it not necessary to bestow a little more attention and a little more care in this matter, is a matter for consideration. That is why I was asking what justification the Government has to come forward to move a Bill of this character which will result in imposing more and more restrictions on the individual, should they not take more care in restricting the scope of the definition. Why they have not done it, is a matter that passes my comprehension, especially in the background of the claim that the number of persons in the jail is decreasing due to the extremely good administration.

Sir, what is more objectionable is the manner in which powers are sought to be delegated to junior and subordinate officers. We have already pointed out in this House that the House is chary, public opinion in this country generally is chary of vesting extra ordinary powers in the executive especially in cases where the fundamental right of individuals is involved. These fundamental rights are guaranteed under the Constitution and one should not tamper with it ordinarily unless there was an extra-ordinary situation. It is clear that any amount of restrictions can be imposed on the fundamental rights of citizens if this Bill is passed. I can understand it being done on extremely reasonable grounds or under stress of exceptional circumstances. But if you go on delegating your powers and try to vest in executive—we do not know whether it is a sub-inspector of police or the inspector of police—we do not know who is the executive officer to whom these

(Sri M. C. NARASIMHAN)

powers will be delegated. It is an extremely dangerous proposition and it ought not to have found acceptance in a democratic set up.

Of course, I agree with my friend Sri Srinivasa Shetty that these matters should be dealt with only by a judicial magistrate and not by any other officers. Even the Bill accepts the principle in respect of offences under 110 for instance as in 14B, even there, it is only the magistrate that can in lieu of asking a per on to tender security—even there, it assumes that the magistrate will enter into the picture. Wheu offences of that type are expected to be dealt with by magistrate, very serious offences should naturally be taken up to the judicial magistrate. When that is so, when simpler offences like the prohibition offences which need not be under the exclusive charge of judicial offiers, is it not all the more necessary that offences contemplated in this Bill should be remitted to the exclusive jurisdiction of the judicial officer, is a point worth consideration. I need hardly say that the spirit of the times is not to vest judicial powers in executive officers and that was the very principle with which separation of judiciary was effected. Therefore the trend in the present day is to take away from the executive all such powers and vest them more and more in judiciary. If that is the spirit of the times today, I do not see any reason why the police and the subordinary officers should be entrusted with such wide powers.

Then the other thing that struck was, if these are places termed as 'corrective camps' where is the necessity for taking finger-prints ? That is another thing which I cannot understand. I am opposed fundamentally to the practice of taking finger-prints for any type of persons. I can even understand any restriction on movement ; but why this elaborate procedure of taking finger-prints, etc ? Why do you specify that to be done? I have looked into the corresponding laws in force in other States, namely the Hyderabad and Bombay Act and the Mysore Act. There is no such provision at all in the corresponding laws for taking finger-prints. When you include even prohibition offences, where is the necessity and where is the justification for you to come forward with the plea that finger-prints is necessary.

Sri B. BASAVALINGAPPA.—That is the only conclusive evidence that God has desingned.

Sri M. C. NARASIMHAN.—Simply because you take finger-prints, does he cease to be a habitual offender? That is only one type of evidence. After all, you have records of people who have undergone conviction. Do you mean to say that the State machinery is so inefficient as not to be able to trace the habitual offenders? What is normally intended habitual offender, if you include prohibition offences? Supposing a person is convicted three times for prohibition offences, do you mean to say that he becomes a habitual offender? Or that you can improve him? If it is one of the most foolish ideas that could occur to anybody.

Sir, I would only refer to one or two sections where the idea of delegation and the inadequate basis on which delegation is done, I will point out.

For example if you take clause 9, it says:

"The registration of a habitual offender under this Act shall cease to be in force on the expiry of five years from the date of such registration, unless earlier cancelled by the District Magistrate for reasons to be recorded in writing."

This is no doubt an important right given to the habitual offender. The clause says that the period can be reduced by the District Magistrate If the Government concede that the period can be reduced under certain circumstances, is it not necessary to state what are the circumstances which entitle a person to lay claim to such reduction in the period of registration, etc. There is no mention about that. What is stated is only "for reasons to be recorded in writing." He may state any reasons he likes. Not being a judicial officer, we do not know if he will exercise this power in a judicial manner on known grounds or fair grounds. It may strike one District Magistrate as fair and it may not strike another as a fair ground to justify the reduction of the period from 5 years to 2 years or something like that. Is it not necessary to lay down specific grounds for it? I would like to know if there is any such Bill with corresponding provision where these things are not adequately taken care of.

Alternatively the provision for extending the duration of registration beyond 5 years is also important. This provision is rather unreasonable because the types of offences involved are not heinous offences. The very idea of habitual offenders arose only in relation to what may be called as heinous offences as envisaged in chapters 12, 16 or 17 of the Indian Penal Code because they are offences involving property and person and morality, but other offences have not yet assumed that status. If they assume that status by the work of friends like Sri Basavalingappa, then the provision may be justified. I wonder whether he can at least guarantee that no member of his party will be convicted for prohibition offences because he claims that these offences should be treated as serious offences. Even Sri Basavalingappa will not be able to swear that his party members will not come within the ambit of the offences under the prohibition Act because we have the instance of the INTUC member from Bijapur. I do not personally believe in prohibition nor my party has taken it as an article of faith, but when it comes to the question of offences under the Act we are careful.

Sri T. D. MARANNA.—Does it mean that you should break the law when it is in force?

Sri M. C. NARASIMHAN.—If there is a law I shall certainly respect it. I agree with you that I should not break the law and my party also takes care to see that it does not break the law, but as an article

(Sri M. C. NARASIMHAN)

of faith we are not prepared to believe in it. Your case is quite different because you say you are on a higher level far above the entire nation and you are going to correct the entire country, but you are not correcting yourselves even inside your party. I do not know whether Sri T. D. Maranna himself will come under this.

Then, clause 10 is also an important clause. It provides for a right to make representations against registration. We do not know under what circumstances this will be done. Why should this right of hearing appeal not be vested in a judicial officer? Why should this go to the State Government. There are several revenue matters in which there is provision for appeal to the State Government directly to the revenue Minister. He was telling me the other day that he wants to divest himself of this work of hearing appeals and that he is prepared to give this work to the Revenue Appellate Tribunal. I do not know why my friend the Deputy Minister for Home is very much interested in having all such powers to himself. We do not understand why such power of appeal should be vested in the State Government itself.

Then clause 11 deals with the power to restrict movement of a registered offender. The Government themselves first say that the power to restrict the movement of a registered offender must be more or less absolute. Possibly, they themselves felt it a little too much and so they have introduced the idea in clause in 11 (2)

It says:

"Before making any such order, the State Government shall take into consideration the following matters, namely:—

(*a*) the nature of the offences...

The grounds mentioned in (*a*) to (*d*) are as vague as anything could be. For instance (*a*) says the nature of the offences shall be taken into consideration. If my friend Sri Basavalingappa is dealing with this matter he may consider prohibition offences as very serious or not serious. I think he may not consider it as very serious, but unfortunately if my friend Sri T. Subramanya were to deal with it he may consider prohibition offences as more serious and heinous offences. This introduces an element of individual judgment which is not correct. This is not the proper way in which the provision ought to be stated and it must be more specific. Then (*d*) says that he shall consider the "manner in which the registered offender may earn his living within the restriction area..." This was also there in the old Act, but under that provision the right of passing the order of restriction was in a manner restricted and certain matters had to be taken into account, namely, the capacity of the habitual offender to follow the profession and earn a living. That was important. If an any particular district it was known to the authority concern that he would be in a position to

earn his living, then alone would he be restricted to that area, but there is not such a saving clause here. I do not know why it has been omitted here.

Then coming to the corrective comps, I do not wish to say much about it. I agree with Sri Srinivasa Shetty that the corrective camps are going to be virtually jails and I wonder how they can correct a habitual offender. If the idea is to correct the person concerned, is it not necessary that the period of registration should be for a long period of 5 years and the Statue itself should lay down the type of treatment that the habitual offender is entitled to get. The provision in clause 14 (4) is very importa t. The idea of corrective camp is being introduced for the first time so far as our State is concerned. In such a situation is it not necessary to lay down clearly what type of treatment habi ual offenders are entitled to? In fact, sociologists have laid down that one primary requisite for correcting a habitual offender is proper treatment in the corrective settlement.

3-00 P.M.

That is not the same treatment that is available normally in jails as provided in the jail mannual. A specially psycholgical atmosphere has to be created taking advantage of the scientific development that has taken place in other countries. This ought to be clearly laid down in the Bill. As it stands now, I wonder whether the Government can do real justice in the corrective camps.

Mr. SPEAKER.—The House will now rise for half on hour.

The House adjourned for recess at Five Minutes past Three of the Clock and re-assembled at Forty Minutes past Three of the Clock.

[Mr. DEPUTY SPEAKER in the Chair]

†Sri M. RAMAPPA.—I very strongly feel that this is a fit case where re-thinking is necessary on the part of the Deputy Minister. In common parlance, we used to take the habitual offender as a person who has got a criminal mind, and persons who shall commit offences like theft, robbery and murder for gain-some of these offences were taken to be offences under moral turpitude and that is the reason why in many of our Acts, for instance the Representation of people's Act and the Municipal Act, it is only persons who are committing these offences were disqualified from contesting any elections and it was not deemed previously in any of these Acts that persons committing all these ordinary offences which are very common to human nature are offences of moral turpitude and they were not disqualified. As we know, the Police so far never used to take persons committing offences under the

(Sri M. RAMAPPA)

prohibition Act or persons committing under section 323, 324 325 of th Indian Penal Code are habitual offenders. I do know what is at the back of the mind of the Deputy Minister to include very ordinary offences. I would like to know what is the fundamental difference between offence under section 323 and offence under section 324, I. P. C. He has notinclued offence under 323; he has included offence under section 324 I.P.C. My main idea in speaking today is to impress upon him that he should not have included offence under sections 324, and 325 because he knows the realities of situation in the rural areas. In a fit of anger, in a weak moment any respectable man when he is offended, will certainly react. In the villages we see that a large number of offeances are committed under sections, 323, 324 and 325, I. P. C. everylday by respectale persons, because there will be occasions when it wil be very, difficult to control themselves. In a weak moment, in a fit of anger they will have to retaliate. The difference between an offence under section 323 and an offence under section 324, is this. Under section 324, it is necessary that the person should have some sort of weapon; it need not necessarily be a dagger; a small club will do to convert an offence under section 323 into an offence under section 324. The Deputy Minister was a lawyelr; the Chief Minister also was a lawyer. They kno whow easy it is to convert an offence under section 323 into an offence under section 324. It will be very difficult even for respectable persons to restrain themselves at times and human nature being what it is, we cannot visualise an idealistic society where people will not commit any offence. As a maatter of fact, you find every offence included under this Act. I make a strong case only for the deletion of offence under section 324 if not offence under section 325. At least offence under section 324, is to be taken out from this Act. I believe the Chief Minister also is convinced to a little extent, though he may not concede that he is convinced of my argument.

Coming to section 10, the State Government will have power to say that a person is not habitual offender even though he has committed three or four offences. It is not clear under this clause as to what are the considerations that weigh with the State Government to say that he is not a habitual offender. As a matter of fact, certain grounds must be very clear as to how the State Government can interfere in this matter and what are the powers of the State Government. As a matter of fact, wherever there is appellate authority, the appellate authority should have certain grounds and those grounds should have been provided in the Act. Here in this Act where the State Government have got powers to interfere and to say that he is not a habitual offender, it is not mentioned as to what are the grounds under which the State Government can say that he is not a habitual offender. It is to be made clear as to what are the powers in the appeal for the State Government.

With these words, I appeal to the Honouable Deputy Minister to delete particularly offence under section 324 of the I. P. C. from this Act

†Sri B. BASAVALINGAPPA.—Mr. Speaker, Sir, many of the Honourable Members have contributed ideas and thrown much light on the debate on this Bill, Particularly the Leader of the Opposition has in his full debate pointed out so many things that make it appear that this Bill suffers from certain defects. Obviously, there are no defects. Many of the Members-I must congratulate them have suggested so many things that can be thought of while drafting the rules. Many of the apprehensions that have been raised by the Honourable Members have no basis and the crticisms that have been levelled against the introduction of the Bill have no basis at all. All the arguments that have been advanced by the Honourable Members boil down to three fundamental issues, namely this Bill takes away the fundamental right of the individual. That is No.1, No. 2: it has taken away the right of an individual to have recourse to judicial procedure. No. 3: The executive authority should not have been the instrument here under this Bill for dealing with these habitual offenders. I have been a lawyer for over eight years. I am one of those persons who have pleaded for the individual liberty and freedom guatanteed under fundamental rights. Sri Srinivasa Shetty pleaded very vehemently and Sri V. S. Patil joined him and likewise, some other members. We are dealing with a person who has forfeited individual liberty and freedom. We are not dealing with an ordinary citizen who enjoys all the fundamental rights under the Constitution. Here is a person who has forfeited individual liberty for going against the settled law and committing certain offences against the State, against the person and property of individuals. Therefore, this is an extraordinary circumstance in which an individual is placed. There are certain laws passed for treating such people these are for penal laws, penal treatment and also corrective treatment. If my friends had just made a bifurcation between these two treatments, I think that many of the arguments would not have been forthcoming. The penal treatment is there for those persons who commit offences against the State, and against the person and property of individuals and the treatment is there in prison.

Under corrective treatment for children who are below 18, there are different enactments under the children Act, and the Borstel Schools Act, Suppression of immoral traffic in girls and women's Act, and certain training is given to those offender on a corrective side. Rules are prescribed to treat these persons and make them good citizens after they are released. This is a Bill which is brought forward here to trea persons who have passed the age of 18 and who have committed offences mentioned in the schedule. Therefore, the apprehension of Hon'ble Members that individual liberty has been jeopardised is not correct. I hope they are now convinced. This is to treat a person who ha forfieted his liberty by committing certain offences.

Sir, certain members Livelled criticism against the drafting of the Bill. Sri Sunthankar and Sri Srinivasa Shetty said, it was hotch-potch of the several Bills now in existence in the State. Mr. Narasimhan said

(Sri B. BASAVALINGAPPA)

that it should have been a hotch-potch of all the respective laws. I do not know who is correct. In my opinion, both are wrong because this is a draft Bill that has been sent by the Central Government for being introduced here and passed into law. The Law Department has not put their hands in the drafting of this Bill.

The other important point raised by my friend is about the judicial procedure that should have bean adopted in this Bill. Sir, as I said, we are not treating an ordinary citizen of the State ; we are treating with an abnormal person who has forfeited his individual liberty and therefore it is the executive authority that has got to take care of him and not the judicial authority. After he ha been processed by the judicial authority for three times, Government will take action to make him a useful citizen so that he may lead a normal life. We are not condemning the individual permanently as criminal. We give him training for a period and release him not as a criminal but as an honourable citizen. Therefore the objections raised by my friends do not hold water.

Then, regarding the inclusion of offences there was a comment by my friend Sri Muckannappa and by the Leader of the Opposition. The Leader of Opposition said that section 302 should have been included in this.

Sri J. B. MALLARADHYA.—I did not say, it should have been.

Sri B. BASAVALINGAPPA.—Sir, under this section, it is an offence involving imprinsonment for life or death and so it cannot be included here. The person who can be subjected to this Bill is a person who has been convicted for offences mentioned in the schedule and 302 is outside the purview of this and it cannot be brought in the schedule. My friend criticised for the inclusion of offences under Suppression of Immoral Traffic in Women. No women can be brought but if a person who trades on innocent women and who employs women for prostitution is dealt with. Such women are dealt with under Separate law. Only section 4 is brought here. So, there is no room for any apprehension about this. My friend made much of the executive having the power and not the judicial. Sir, as I already said, these are not ordinary individuals and the executive authority should take care of these person ; not only that, we must see that my friends like Sri Mallaradhya and Sri Muckannappa are not attacked by such person. (*laughter*) We are taking these methods to correct such person. Sir, there is another thing that has got to be thought of in this connection There are orphans in the society ; there are beggers in the society. People become ciriminals due to several circumstances—economical, social or religious. They are driven to such a situation. To quote one instance, there was a begger in the begger's colony ; he was released and rehabilitated later. The Superintendent brought him to my Chamber and when asked him about the name of his father, the boy said he did not know. He did not know the name of his mother even.

He did not know the name of the place he was born. Sir, this is the situation now facing all of us. There are thousands and thousands of such boys in the street today. We have got to take care of such boys who are neglected. The Members also should co-operate with the Government in this effort.

Sir, I was just making out a point that if the Members knew the treatment given to the person of this category, my friends would not have argued so vehemently against the Bill. I am making out a case.

Sir, these are the conditions. The caste system is there; that has been the root cause for so many things; economic factors are there producing some people; and religious factors are there contributing to this. We have got to take stock of all these people and try to solve these problems and make them good citizens. Some people are under the impression that a person who has no parents or who has no definite place of birth, is not a citizen. I may say here that whether a person has parents or not, whether he is a criminal or not, we have got to take him as a citizen. We have to rehabilitate such persons. There are several Acts for rehabilitating such persons—whether he is a beggar or an orphan.

Sri V. SRINIVASA SHETTY.—Sir, how do all that arise ?

Sri B. BASAVALINGAPPA.—You were telling all these things without understanding how the habitual offenders were brought under this Bill. Therefore, I wanted to make them clear. No doubt there are several Acts but this is different from those Acts. Therefore, I may say here that this Act is exclusively meant for certain class of persons who are named as habitual offenders.

The Hon'ble Member Sri J. B. Mallaradhya made certain points regarding clause 17. As I have stated earlier all these things are necessary because we have been treating a person who has forfeited his rights.

Delegation of power—Here the Deputy Commissioner acts as a District Magistrate. After notification is issued that authority will maintain a register and makes an entry of such persons and issues notices to such persons. The person who is affected has to appear before him and tell him whether he has to be brought under this Act or not. Supposing the Deputy Commissioner is convinced that a person can be notified, that person can go in appeal to the Government. The Government can confirm or cancel the order. It is purely an executive matter. Therefore, while power is delegated it will be to an authority not below the rank of Deputy Commissioner.

Sri V. SRINIVASA SHETTY.—Who will be the officers ?

Sri B. BASAVALINGAPPA.—We are thinking of Director of Social Welfare or I. G. of Prisons, or Director of conviction, institutions etc. So, no Junior officers will be given such powers.

(Sri B. BASAVALINGAPPA)

The Hon'ble Members Sri C. J. Muckannappa and Srinivasa Shetty were arguing against the inclusion of prohibition offenders in the schedule. I may state here that it is the creed of the Congress Organisation though some may like it or not. There may be persons who may say that prohibition is a failure. But it is a matter of creed with the Congress organisation and it is being included.

Sri V. SRINIVASA SHETTY.—What has that to do with this Bill. We are dealing with criminals and not with creed of a party.

Sri B. BASAVALINGAPPA.—In a democratic set up it is the party that rules. It is the Congress Organisation that is in power. This Government is wedded to that principle and we are going to implement it. I know that they are not very grave offences. Mahatma Gandhi thought that poor people must be saved from the evil of drinking because they are spending away all their income. In the interest of poor people and to save them from this great catastrophe, we have to take this step. Our organisation has taken steps to see that this prohibition is made a success in the whole state as well as in the entire country. On principle we are going to do it.

Sri V. SRINIVASA SHETTY.—To make prohibition a success are you enforcing this Act or to correct criminals? What is your objective?

Sri B. BASAVALINGAPPA.—I agree with the Hon'ble Member. We will correct that person who has taken to drinking and we are going to implement this Act. So, that officer has been included here.

Sri J. B. Mallaradhya has given useful suggestions for improvement of corrective settlement. I entirely agree with him. I do not know what is the reason for having only 15 to 20 persons in the settlement whereas the capacity is for 70 to 80 persons. But, I believe that the settlement will be properly run and trained officers are posted there. Proper training would be given and proper equipments would be made available so that some good and tangible work as suggested by the Hon'ble Member is turned out.

With these few remarks I commend this Bill for the acceptance of this House.

Mr. DEPUTY SPEAKER.—The question is :

"That the Mysore Habitual Offenders Bill, 1959, as passed by Legislature Council, be taken with consideration"

The motion was adopted.

Mr. DEPUTY SPEAKER.—There is an amendment to clause 2.

Sri V. SRINIVASA SHETTY.—I beg to move :

"That in item (4) for the words "Deputy Commissioner of the District", the words "highest judicial magistrate of the District" shall be substituted."

Mr. DEPUTY SPEAKER.—Amendment moved:

"That in item (4) for the words 'Deputy Commissioner of the District' the words 'highest judicial magistrate of the District' shall be substituted."

†Sri V. SRINIVASA SHETTY.—As I have stated, there seems to be something wrong in the angle of vision between this side and the other side of this House. My friend Sri B. Basavalingappa has tried to meet some of our arguments but I am very sorry to state that he has not been successful. He seems to be obsessed with certain arguments that his party is wedded to certain things. His party and Mahatma Gandhi have been brought into the picture. But we are not concerned with that. We do have great respect for him but those things are unnecessary. As practical men and as lawyers we are only concerned with the practicability and utility of this Bill.

We are also trying to safeguard the interest of society. Let the Hon'ble friend on the other side not think that he is the only guardian of society. All of us are. When this Bill becomes an Act and comes up before the Courts day in and day out, my Hon'ble friend will not be blamed by the courts. It is the legislature. They will ask: "who are the legislators who have passed this Act?" My Hon'ble friend Sri Basavalingappa will not be named and say that he is responsible for this. We all of us are responsible for this. My friend has forgotten this fact. If he refers this matter to the Legal Department and asks their opinion again, I doubt very much if they would agree to this. It is a simple thing. The District Magistrate need not be a Deputy Commissioner. The Deputy Commissioner is only an additional District Magistrate. My Hon'ble friend says that it is a Bill from the Centre and they have copied it. In copying also you must use your discretion. We say in our parts '*nona prathi*'. If a fly sits on a line, that fly is also copied. Similarly, if some mistake is committed by the Centre and the Bill is sent down here, my Hon'ble friend says, those wise people from Delhi have sent down the Bill and they have simply to copy it. They would not have known perhaps the practice in our State that District Magistrate is not a Deputy Commissioner and that the Deputy Commissioner is only and additional District Magistrate. I commend this for the consideration of the House. I know what the Hon'ble Deputy Minister is going to say. He has got vast visions and ideals which he wants to thrust down the throats of the Members. I commend this simple amendment to this House and request the House to accept it.

† Sri B. BASAVALINGAPPA.—I do not agree with the amendment suggested by Honb'le friend. After my reply I thought he would not press his amendment. The machinery he is thinking of is just different from the machinery we have been incorporating in this Bill, namely, we are entrusting this work to the Executive. But he wants this must be entrusted to the Judiciary. Therefore there is difference, and I do not agree with him for the reasons I have already stated in my reply.

Sri V. SRINIVASA SHETTY.—I press the amendment.

Mr. DEPUTY SPEAKER.—The question is :

"That in item (*d*), for the words, Deputy Commissioner of the District' the words highest judicial Magistrate of the District, shall be substituted."

The amendment was negatived.

Mr. DEPUTY SPEAKER.—The question is :

"That Clauses 2 to 9, both inclusive, stand part of the Bill."

The motion was adopted.

Clauses 2 to 9, both inclusive, were added to the Bill.

Mr. DEPUTY SPEAKER.—Clause 10. There is an amendment by Sri Srinivasa Shetty.

Sri V. SRINIVASA SHETTY.—I beg to move.

"That in sub-clause (1), for the words, 'make a representation to the State Government', the words, 'appeal to the court of Sessions of the District" shall be substituted."

Mr. DEPUTY SPEAKER.—Amendment moved :

"That in sub-clause (1), for the words, 'make a representation to the State Government', the words 'appeal to the court of Sessions of the District", shall be substituted."

† Sri V. SRINIVASA SHETTY.—I do not wish to repeat my arguments. My argument from the beginning is that neither the Deputy Commissioner nor the State Government nor any executive authority should come into the picture and it should be judicial authority. My suggestion is that the appeal should be to a court of Sessions of the District. The powers that be, powers of Mahatma Gandhi are better persons to deal with these things. Sri Basavalingappa or the Deputy Commissioner will not be the Government. But his *chelas*.....

Sri B. D. JATTI.—They are also part of the Government.

Sri V. SRINIVASA SHETTY.—Very obvious part and parcel of Government. This is the State of affairs. Since Mahatma Gandhi has been brought into the picture, I hope things will be better. All the same, I commend this amendment to the good sense of the House so that this House may accept this amendment.

† Sri M. C. NARASIMHAN.— My submission is that this particular amendment of Sri Srinivasa Shetty will not disturb the fundamentals or basically change the scheme of administration envisaged so far as this Act is concerned, because the Hon'ble Deputy Minister stated that he wants to entrust the enforcement of the Act only to the executive. Assuming for the moment that it is the right course to adopt or the post convenient course to adopt, what is it that the Government losses

if only in the matter of appeal in the case of aggrieved person, if it is given to a court? I can understand their saying that the burden of administering the entire legislation should be left to the Executive, but I do not agree with them that for the sake of administrative convenience or any other reason, appeals also should be left to the Government. Why should the right ofexercising or deciding on an appeal be left to the Executive? I was submitting in the morning that the general trend of Government nowadays is that they would not like to have the power of hearing appeals though the Statute specially provides for them. In the House Rent Control Act appeals have been provided to State Government, but now they have issued circulars to the effect that those powers should be exercised by tribunals and not by a Minister or Government. If that is the trend, why in a matter of appeal, assuming for the moment that whatever the Deputy Minister says is true or correct or fair, this should be treated on a different footing? I do not agree with Sri Srinivasa Shetty when he says that the argument advanced in the other case applies to this also. This is entirely different and this is only a case of appeal by an aggrieved party and it stands on entirely a different footing. The point that one has already been previously screened and judicial processes have been gone through in this case will not come under Clause 10. So, under these circumstances, I plead with the Government to accept this very nominal verbal amendment and there is nothing lost and it will not disturb the purpose in view.

†Sri B. BASAVALINGAPPA.—I do not agree with the amendment. I made the point very clear that the persons who are processed through judicial set up and later on classified as habitual offenders, are now in the hands of the Executive very safely and under clause 10, they have got the right of appeal to the Government against the judicial order of the District Magistrate.

Sri V. SRINIVASA SHETTY.—I press the amendment.

Mr. DEPUTY SPEAKER.—The question is :

> "That in sub-clause (1), for the words, 'make a representation to the State Government', the words 'appeal to the court of Sessions of the District', shall be substituted."

The amendment was negatived

Mr. DEPUTY SPEAKER.—We may move his next amendment.

Sri V. SRINIVASA SHETTY.—In view of these things, I do not propose to move my two other amendments because they are consequential.

Mr. DEPUTY SPEAKER.— The question is:

"That Clauses 10 to 22, both inclusive and Schedule stand part of the Bill."

The motion was adopted.

Clauses 10 to 22 both inclusive and Schedule were added to the Bill.

Mr. DEPUTY SPEAKER.— The question is:

"That Clause 1, the short Title and the Preamble stand part of the Bill."

The motion was adopted.

Clause 1, the short Title and the Preamble were added to the Bill

Motion to pass

Sri B. BASAVALINGAPPA.— I beg to move:

"That the Mysore Habitual Offenders Bill, 1959 as passed by the Legislative Council, be passed."

Mr. DEPUTY SPEAKER.— The question is:

"That the Mysore Habitual Offenders Bill, 1959 as passed by the Legislative Council, be passed."

The motion was adopted.

MYSORE PORTS (LANDING AND SHIPPING FEES) BILL, 1960.

Motion to consider.

Sri B. D. JATTI (Chief Minister).—Sir, I beg to move:

"That the Mysore Ports (Landing and Shipping Fees) Bill, 1960, be taken into consideration."

Mr. DEPUTY SPEAKER.—Motion to move:

"That the Mysore Ports (Landing and Shipping Fees) Bill, 1960, be taken into consideration."

† Sri B. D. JATTI.—Sir, in the district of Mangalore, the Madras Ports Manual and the Madras Outports Landing and Shipping Fees Act, 1885, are in force. In the District of Karwar, the Bombay Ports Manual and the Bombay Landing and Wharfage Fees Act, 1882 are in force. As there are two Acts, so there are two sets of rules which are in operation in the districts of Mangalore and Karwar. The intention of the Government in bringing this Bill for consideration is to have a uniform Act and also uniform rules. The Mysore Ports Bill, 1960 has been introduced with this intention. In this Bill there are no new provisions The provisions which were incorporated in the Act of Madras and in the Act of Bombay are mostly the provisions